

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10825-RWZ

BABCOCK BORSIG POWER GmbH

v.

BABCOCK POWER, INC.

SCHEDULING ORDER

August 9, 2004

ZOBEL, D. J.

This matter having come before the court at a scheduling conference held pursuant to Rule 16, Fed. R. Civ. P., 28 U.S.C., and Kenneth M. Bello having appeared as counsel for plaintiff, Babcock Borsig Power GmbH; and Steven J. Comen and James O. Fleckner having appeared as counsel for defendant, Babcock Power, Inc. the following action was taken:

1. Defendant seeks to add as a party plaintiff's parent company. Plaintiff shall advise defendant by August 31, 2004, whether its parent will accept service, reserving all objections to jurisdiction.
2. If the parent does not accept service, defendant will make service through the Hague Convention procedures by November 30, 2004.
3. The parties agreed to complete discovery concerning jurisdiction within three months after service is made.
4. Within 14 days after the completion of discovery, any motions concerning jurisdiction shall be filed. Any oppositions shall be due 14 days thereafter and

any reply brief within seven days after the opposition is due. Neither party shall file any briefs of more than 20 pages, and the reply shall not exceed five pages in length.

5. The court will schedule a hearing when the matter is ripe.

August 9, 2004  
DATE

Ryan W. Zobel  
RYAN W. ZOBEL  
UNITED STATES DISTRICT JUDGE